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MACPHERSON KWOK CHEN & HEID LLP
1762 TECHNOLOGY DRIVE
SUITE 226
SAN JOSE, CA 95110

EXAMINER	
DANIEL JR, WILLIE J	

ART UNIT	PAPER NUMBER
2686	9

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/848,070	FOK, KENNY K.	
	Examiner	Art Unit	
	Willie J. Daniel, Jr.	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-9,12,14 and 16-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,6-9,12,14 and 16-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 May 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The objections to Figs. 1-3 are withdrawn, as the proposed Figs. 1-3 corrections are approved.

Specification

2. The disclosure is objected to because of the following informalities:

    a. The applicant in the amended paragraph on pg. 3, line 12 has "d3evice". The Examiner interprets as "device".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4, 6-9, 12, 14, 16-26 are rejected under 35 U.S.C. 102(e) as being anticipated by **Gudjonsson et al.** (hereinafter Gudjonsson) **(US 6,564,261)**.

Regarding **Claim 1**, Gudjonsson disclose a method for allowing a user of a client (11, 14) which reads on the claimed "wireless communications device" to participate in an instant messaging service, wherein the wireless communications device (11, 14) is connectable to a wireless communication network adapted to handle messages in short message service format (SMS), (see col. 3, lines 46-63; col. 7, lines 53 - col. 8, line 3; col. 9, lines 41-54; col. 11, lines 21-27; Figs. 1, 4, 13), the method comprising:

providing a proxy server (21) connected to the wireless communication network and a data network, wherein the instant messaging service is available on the data network (see col. 7, lines 39-42; col. 7, line 52 - col. 8, line 2; col. 17, lines 5-11; col. 24, lines 32-37; col. 36, lines 7-34; Figs. 10, 13-15), where the server is connected to an wireless and IP network which allows a text chat session;

establishing a data connection between the wireless communications device (11, 14) and the wireless communications network to indicate that the wireless communications device is

in an active state (see col. 3, lines 14-17; col. 7, line 53 - col. 8, line 30; col. 8, lines 53-65; Figs. 1-7, 19, 21);

terminating said data connection between said wireless communications device and the wireless communications network (see col. 7, line 57 - col. 8, line 2; col. 11, line 45-57; Fig. 8, 20, 21), where the proxy server (21, 23) provides the status of connection while the mobile device is on or active but idle;

receiving an indication from the wireless communication network to the proxy server that the wireless communications device is in the active state (see col. 3, line 1-9; col. 7, line 53 - col. 8, lines 30; col. 8, lines 53-65; col. 11, lines 33-57; Fig. 8, 19, 22, 23), where the status of users is updated whenever there is a change;

transmitting from the proxy server (21, 23) to the instant messaging service presence information indicating that the user is online (see col. 11, lines 21-27; col. 17, lines 5-43; Fig. 8); and

maintaining said presence information for the user while the wireless communications device (11, 14) remains in said active state (see col. 3, line 1-9; col. 7, line 53 - col. 8, lines 30; col. 8, lines 53-65; Fig. 8).

Regarding **Claim 2**, Gudjonsson disclose a method further comprising

receiving at the proxy server (21, 23) a short text message which reads on the claimed "instant message" from a sender on the data network, said instant message addressed to the user (7) (see col. 10, lines 8-21; col. 11, lines 21-27; Figs. 4, 6, 13), where the instant message goes through a proxy server (21, 23) to a cellular communications network; and

intercepting said instant message (see col. 10, lines 8-21; col. 11, lines 21-27; Figs. 4, 6, 13), where the instant message is transmitted through the proxy server; and

notifying the user (7) that said instant message has been received (see col. 24, lines 16-25; col. 33, lines 38-44; col. 36, lines 56-60), where the user is notified of messages received in the inbox.

Regarding **Claim 4**, Gudjonsson disclose a method wherein said notifying comprises converting at least a portion of said short text message which reads on the claimed "instant message" to short message service format (see col. 10, lines 8-21; col. 36, lines 12-25, 56-62; Figs. 1, 2, 3, 4, 5, 6, 13), where the instant message is converted at the proxy; and

sending said converted message to the user (7) (see col. 3, lines 46-63; see col. 10, lines 8-21; col. 36, lines 12-25, 56-62; Figs. 1, 2, 3, 4, 5, 6), where the message is converted, truncated, and transmitted to the user's device.

Regarding **Claim 6**, Gudjonsson disclose a method further comprising converting an identifier (UID) of the sender of said instant message to short message service format and sending said identifier (UID) to the user in conjunction with said converted message (see col. 1, lines 56-62; col. 8, lines 47-51; col. 16, lines 7-19; Figs. 8, 12a, 12b, 16, 18b), where the sender/user has an identifier (UID) that is associated with different servers/clusters during the sending of message(s).

Regarding **Claim 7**, Gudjonsson disclose a method wherein said notifying comprises transmitting a message to the user in short message service format (SMS) that an instant message has been received (see col. 24, lines 16-25; col. 33, lines 38-44; col. 36, lines 12-25, 56-60; Figs. 14, 15).

Regarding **Claim 8**, Gudjonsson discloses a method wherein said message transmitted to the user includes an identifier associated with the sender of the instant message (see col. 1, 56-62; col. 8, lines 47-51; col. 16, lines 7-19; Figs. 8, 12a, 12b, 16, 18b), where the sender/user has an identifier (UID) that is associated with different servers/clusters during the sending of message(s).

Regarding **Claim 9**, Gudjonsson disclose the method of claim 2, further comprising:

storing said instant message (see col. 17, lines 38-44);

establishing a second data connection between the wireless communications device (11, 14) and the wireless communications network (see col. 3, lines 14-17; col. 7, line 53 - col. 8, line 30; Figs. 1-6); and

transmitting said stored instant message to the wireless communications device (11, 14) over said second data connection (see col. 9, lines 41-54; col. 10, lines 8-21; col. 36, lines 22-32, 56-62; Fig. 1-6), where messages are transferred between devices.

Regarding **Claim 12**, Gudjonsson disclose the method of claim 2, further comprising the steps of:

receiving at the proxy server (21, 23) from the wireless communications device (11) a response message transmitted in short message service format (see col. 3, lines 46-63; col. 10, lines 8-21; col. 36, lines 12-25, 56-62; col. 37, lines 23-33; Figs. 1, 2, 3, 4, 5, 6, 13), where the user responds or sends a message to a another user through the proxy which converts the message to instant message or short text message format;

converting the response message to instant message format (see col. 3, lines 46-63; col. 10, lines 8-21; col. 36, lines 12-25, 56-62; Figs. 1, 2, 3, 4, 5, 6, 13), where the user responds

or sends a message to a another user through the proxy which converts the message to instant message or short text message format; and

transmitting the converted response message over the data network (see col. 9, lines 41-54; col. 10, lines 8-21; col. 36, lines 22-32, 56-62; Figs. 1-6).

Regarding **Claim 14**, Gudjonsson disclose a method wherein said receiving an indication that the wireless communications device (11, 14) is no longer in an active state (see col. 3, line 1-9; col. 7, line 53 - col. 8, lines 30; col. 8, lines 53-65; col. 11, lines 33-57; Fig. 8, 19, 22, 23), where the status of users are updated whenever there is a change comprises:

transmitting at least one message in short message service format to the wireless communications device (11, 14) (see col. 3, lines 46-63; see col. 10, lines 8-21; col. 36, lines 12-25, 56-62; Figs. 1, 2, 3, 4, 5, 6); and

determining that at least one said message in short message service format is undeliverable (see col. 17, lines 1-43), where a network problem can have messages undeliverable which causes a notification message sent and messages will be stored; and

transmitting from the proxy server (21) to the instant messaging service presence information indicating that the user is offline (see col. 3, line 1-9; col. 7, line 53 - col. 8, lines 30; col. 8, lines 53-65; col. 11, lines 33-57; Fig. 8, 19, 22, 23), where the status of users are updated whenever there is a change.

Regarding **Claim 16**, Gudjonsson disclose a system for providing a wireless communications device access to a short text messaging (STM) which reads on the claimed "instant messaging service" coupled to a data network (see col. 7, line 52 - col. 8, line 30;

col. 9, line 62 - col. 10, line 7; col. 24, lines 32-47; col. 36, lines 7-32; Figs. 1-6, 9-10, 14), where the user of the system has text chat communication session with other users, the system comprising:

a wireless communication network adapted to communicate short messages in a short message format to the wireless communications device (11) utilizing a data connection of a plurality of data connections, the wireless communications device (11) communicating an active state status on the wireless communication network utilizing an initial data connection of the plurality of data connections, wherein the initial data connection is terminated upon the establishment of the active state status (see col. 7, line 39-42; col. 7, line 52 - col. 8, line 30; col. 8, lines 48-65; col. 17, lines 5-11,19-28; col. 36, lines 22-32, 56-62; Figs. 1-6, 9-10);

the data network for transmitting instant messages between a plurality of information handling systems (11), wherein the plurality of information handling systems are logged into the instant messaging service (see col. 7, line 39-42; col. 11, line 44-59; col. 9, lines 7-21; col. 9, line 62 - col. 10, line 21; col. 36, lines 22-32, 56-62; Figs. 1-5, 7-10, 14-15, 20-24, 26), where the system is connected through various networks (e.g., IP networks) in which the handling systems are clients (e.g., mobile phone, PDA, or PC) for user A to communicate with user B;

a proxy server (21) having a first connection to the wireless communication network for sending and receiving the short messages (SMS), and a second connection to the data network for sending and receiving instant messages (STM), wherein the proxy server (21) is logged into the instant messaging service to provide an instant messaging proxy presence for the wireless communications device (11) when the wireless communications device (11) is in

the active state status and when the data connection is either active or terminated (see col. 7, line 39-42; col. 7, line 52 - col. 8, line 30; col. 8, lines 48-65; col. 17, lines 5-11,19-28; col. 35, line 45 - col. 36, line 40; col. 37, lines 10-34; Figs. 1-10, 13-15), where the user of the system has text chat sessions between STM and SMS services in which the user's status of active or terminated would be inherent according to the dynamic status information or presence information.

Regarding **Claim 17**, Gudjonsson disclose the system of claim 16, wherein the proxy server (21) intercepts an instant message addressed to the wireless communications device (11) (see col. 10, lines 8-21; col. 11, lines 21-27; Figs. 4, 6, 13), where the instant message goes through a proxy server (21, 23) to a cellular communications network, and

notifies the wireless communications device (11) that the instant messages addressed to the wireless communications device (11) has been received (see col. 24, lines 16-25; col. 33, lines 38-44; col. 36, lines 56-60), where the user is notified of messages received in the inbox.

Regarding **Claim 18**, Gudjonsson disclose the system of claim 17, wherein the proxy server (21) converts at least a portion of the instant message (STM) to the short message format (SMS) (see col. 10, lines 8-21; col. 36, lines 12-25, 56-62; Figs. 1-6, 13), where the instant message (STM) is converted at the proxy, and

sends a converted message to the wireless communications device through the wireless communications network (see col. 3, lines 46-63; see col. 10, lines 8-21; col. 36, lines 12-25, 56-62; Figs. 1, 2, 3, 4, 5, 6), where the message is converted, truncated, and transmitted to the user's device.

Regarding **Claim 19**, Gudjonsson disclose the system of claim 18, wherein the proxy server further converts an identifier of the sender of the instant message (STM) to the short message format (SMS) and sends the converted identifier of the sender in conjunction the converted message (see col. 2, lines 56-62; col. 8, lines 47-51; col. 16, lines 7-19; Figs. 7-8, 12a, 12b, 16, 18b), where the sender/user has an identifier (UID) that is associated with different servers/clusters during the sending of message(s).

Regarding **Claim 20**, Gudjonsson disclose the system of claim 17, wherein the proxy server (21) notifies the wireless communications device (11) utilizing a short message format (SMS) notification message (see col. 24, lines 16-25; col. 33, lines 38-44; col. 36, lines 12-25, 56-60; Figs. 10, 13-15).

Regarding **Claim 21**, Gudjonsson disclose the system of claim 20, wherein the short message format (SMS) notification message includes an identifier associated with the sender of the at least one instant message (STM) (see col. 1, 56-62; col. 8, lines 47-51; col. 16, lines 7-19; Figs. 8, 12a, 12b, 16, 18b), where the sender/user has an identifier (UID) that is associated with different servers/clusters during the sending of message(s).

Regarding **Claim 22**, Gudjonsson disclose the system of claim 16, wherein the short message format (SMS) is a short message service (SMS) format, and wherein the wireless communication network comprises a SMS gateway which reads on the claimed "short messaging service center" connected to the proxy server (21) for storing the instant messages (STM) (see col. 9, lines 41-54; col. 10, lines 8-21; col. 36, lines 22-32, 56-62; Fig. 1-6, 10, 13), where the messages are transmitted between the proxy server and SMS gateway and stored for later retrieval.

Regarding **Claim 23**, Gudjonsson disclose the system of claim 16, wherein the proxy server (21) intercepts a response short message (SMS) from the wireless communications device (11) to an instant message user (7) (see col. 3, lines 46-63; col. 10, lines 8-21; col. 36, lines 12-25, 56-62; col. 37, lines 23-33; Figs. 1, 2, 3, 4, 5, 6, 13), where the user responds or sends a message to a another user through the proxy which converts the message to instant message or short text message format,

converts the response short message to an instant message format (STM) response message (see col. 3, lines 46-63; col. 10, lines 8-21; col. 36, lines 12-25, 56-62; Figs. 1, 2, 3, 4, 5, 6, 13), where the user responds or sends a message to a another user through the proxy which converts the message to instant message or short text message format, and

sends the instant message response message to the instant message user (7) (see col. 9, lines 41-54; col. 10, lines 8-21; col. 36, lines 22-32, 56-62; Figs. 1-6, 10, 13).

Regarding **Claim 24**, Gudjonsson disclose the system claim 16, wherein the proxy server receives an indication that the wireless communications device is in an inactive state (see col. 3, line 1-9; col. 7, line 53 - col. 8, lines 30; col. 8, lines 53-65; col. 17, lines 5-24; Fig. 8, 20, 21, 22), where user has a change of status, and

wherein the proxy server (51) transmits the inactive state indication to the instant messaging service presence information to inform the instant messaging service that the user is offline (see col. 3, line 1-9; col. 7, line 53 - col. 8, lines 30; col. 8, lines 53-65; col. 26, lines 21-36; Fig. 8, 19, 22-23), where the user has a change of status that is indicated by the proxy server is updated whenever there is a change.

Regarding **Claim 25**, Gudjonsson disclose a method for providing a wireless communications device access to an instant messaging (STM) service on a data network (see col. 36, lines 7-37), where the system converts STM to SMS or SMS to STM when communicating between users of each service, the method comprising the steps of:

providing a wireless communication network adapted to communicate short message service (SMS) messages to the wireless communications device (14) through a data connection of a plurality of wireless data connections (see col. 7, line 39-42; col. 7, line 52 - col. 8, line 30; col. 10, lines 8-21; Figs. 1-6, 10), where the user has communication sessions using the mobile phone via wireless network;

communicating an active state status from the wireless communications device (11) to the wireless communication network utilizing at least one connection of the plurality of wireless data connections (see col. 7, line 39-42; col. 8, lines 56-65; Figs. 1-6, 8, 10, 13, 20-21), where the status of the user is indicated when the user logon or logoff the system;

terminating the at least one connection upon the establishment of the active state status (see col. 8, lines 56-65; Figs. 20-21), where the status of the user indicates presence in which the terminating would be inherent;

transmitting the active state status from the wireless communication network to a proxy server (51) (see col. 17, lines 9-11,19-24; Figs. 8, 13, 20-21); and

providing an instant messaging proxy presence from the proxy server (51) to the instant messaging service upon receipt of the active state status, wherein the proxy server (51) is a stand-in wireless communications device which maintains an online status for sending and receiving instant messages (STM) on the data network (see col. 8, lines 56-65; col. 11, lines

44-59; col. 17, lines 9-11,19-24; Figs. 1-6, 8, 13, 20-21), where the proxy server communicates within a wireless network for indicating the status of users of STM.

Regarding **Claim 26**, Gudjonsson disclose the method of claim 25 further comprising the steps of:

the proxy server (21) intercepting at least one instant message intended for the wireless communications device (see col. 3, lines 46-63; col. 10, lines 8-21; col. 36, lines 12-25, 56-62; col. 37, lines 23-33; Figs. 1, 2, 3, 4, 5, 6, 13), where the user communicates a message to another user through the proxy which converts the message to instant message or short text message format;

the proxy server (21) converting at least a portion of the at least one instant message (STM) to an SMS format received message (see col. 3, lines 46-63; col. 10, lines 8-21; col. 36, lines 12-25, 56-62; Figs. 1, 2, 3, 4, 5, 6, 13), where the proxy converts the message to an instant message or short text message format; and

the proxy server (21) sending the SMS format received message to the wireless communication network (see col. 9, lines 41-54; col. 10, lines 8-21; col. 36, lines 22-32, 56-62; Figs. 1-6, 10, 13), where the server transmits the message over the network.

Response to Arguments

4. Applicant's arguments with respect to claims 1-2, 4, 6-9, 12, 14, 16-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR/wjd,jr
21 July 2004

CHARLES APPIAH
PRIMARY EXAMINER